

**REMARKS**

Initially, Applicants would like to express their appreciation to Examiner Hassan Phillips for the courtesies extended to Applicants' attorney during a telephone interview on July 16, 2004. During the interview, which involved a discussion of claim 1, Examiner Phillips agreed to review the Waldo reference to determine whether Waldo teaches the limitation "determining whether to store one or more elements of the message".

After the foregoing amendment, claims 1-14 are pending in the application. Applicants respectfully request additional consideration and review of the claims in view of the foregoing amendment and the following remarks.

**Restriction Under 35 U.S.C. § 121**

Applicants have elected to pursue claims 1-14 in the current application. Claims 1-14 are drawn to a method for maintaining a connection between a server and a client, classified in class 709, subclass 203. Applicants reserve the right to pursue claims 15-29 in a separate divisional application.

**Rejections Under 35 U.S.C. § 112**

Claim 6 has been rejected for insufficient antecedent basis. Applicants have amended claim 6 to provide sufficient antecedent basis.

**Rejections Under 35 U.S.C. § 102(e)**

The Examiner has rejected claims 1, 4, 5, 7, and 12 under 35 U.S.C. § 102(e) as being unpatentable over Waldo et al. (U.S. 6,016,500). Applicants respectfully traverse this rejection.

A purpose of Applicants' claimed invention is to provide a method that allows connection-oriented protocols to keep open the connections maintained by a crashed process while the process recovers. An important aspect of Applicants' claimed invention is for a server to evaluate each message received from a client to determine whether all or part of the message should be stored for future use. This aspect of the invention is set forth, for example, in the

independent claim 1 limitation that calls for “*determining whether to store one or more elements of the message ...* “. See, for example, page 6, lines 16-17 in Applicants’ specification where this aspect of the invention is discussed.

Turning now to the cited prior art, the Waldo reference is generally concerned with client-server systems. Waldo teaches a system that uses a lease to detect a failure and to perform failure recovery. The client requests a lease from the server and performs various processes. Upon detection of a failure, the client and the server perform a recovery by proceeding to a prenegotiated state, as disclosed in column 13. lines 5-18. However, the fact remains that contrary to Applicants’ claim 1, Waldo does not teach Applicants’ claim 1 limitation calling for, “*determining whether to store one or more elements of the message ...* “. This distinction alone is sufficient to distinguish Applicants’ claim 1 from Waldo.

Waldo does not teach the limitation recited in Applicants’ independent claim 1 for the above-mentioned reasons. Since claims 4, 5, 7, and 12 depend from claim 1, these dependent claims are therefore also believed to be allowable for the same reasons set forth above for independent claim 1. Therefore, Waldo does not embody Applicants’ claims 4, 5, 7, and 12.

In view of the foregoing, Applicants respectfully request that the rejection under 35 USC §102(e) be withdrawn.

#### Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 2, 3, 6, 8-11, 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Waldo et al. (U.S. 6,016,500) in view of various other references.

#### Rejections Under Waldo and Hickman

Claims 2, 3, 10, 11, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Waldo et al. (U.S. 6,016,500) in view of Hickman et al. (U.S. 6,523,130).

With respect to claims 2, 3, 10, 11, and 13, Waldo does not teach or suggest the limitations recited in Applicants’ independent claim 1 for the above-

mentioned reasons. Hickman does not cure the deficiencies noted above for Waldo. Since claims 2, 3, 10, 11, and 13 ultimately depend from and therefore include all the limitations of independent claim 1 which has previously been shown to be allowable, these dependent claims are therefore also believed to be allowable for the same reasons set forth above for the respective independent claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 2, 3, 10, 11, and 13.

#### Rejections Under Waldo and Harsch

Claims 6 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Waldo et al. (U.S. 6,016,500) in view of Harsch (U.S. 6,212,175).

With respect to claims 6 and 14, Waldo does not teach or suggest the limitations recited in Applicants' independent claim 1 for the above-mentioned reasons. Harsch does not cure the deficiencies noted above for Waldo. Since claims 6 and 14 depend from and therefore include all the limitations of independent claim 1 which has previously been shown to be allowable, these dependent claims are therefore also believed to be allowable for the same reasons set forth above for the respective independent claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 6 and 14.

#### Rejections Under Waldo and Devarakonda

Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Waldo et al. (U.S. 6,016,500) in view of Devarakonda (U.S. 6,523,130).

With respect to claims 8 and 9, Waldo does not teach or suggest the limitations recited in Applicants' independent claim 1 for the above-mentioned reasons. Devarakonda does not cure the deficiencies noted above for Waldo. Since claims 8 and 9 depend from and therefore include all the limitations of

Serial No. 09/764,247

independent claim 1 which has previously been shown to be allowable, these dependent claims are therefore also believed to be allowable for the same reasons set forth above for the respective independent claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 8 and 9.

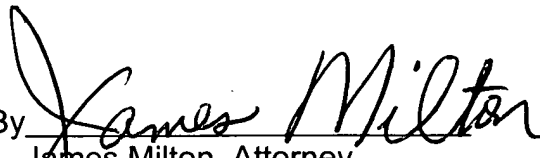
Serial No. 09/764,247

Conclusion

In view of the foregoing amendments and remarks, Applicants submit that claims 1-14 are in condition for allowance, and reconsideration is therefore respectfully requested. If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is invited to contact the undersigned to resolve the issues.

Respectfully submitted,

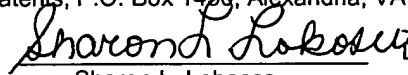
Thomas C. Bressoud

By   
James Milton, Attorney  
Reg. No. 46935  
(732) 949-7365

Date: 7/20/04

Atts.

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Mail Stop No-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 7/20/04.

 Date 7/20/04  
Sharon L. Lobosco